

carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 173 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 86 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 69 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 68 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 132 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 76 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

## TWENTY-FIRST DAY

(Tuesday, February 14, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Spears:

S. B. No. 188, A bill to be entitled "An Act to authorize the State Treasurer and the State Comptroller to transfer certain moneys from the General Fund to the Settlement of

Estates Fund, and declaring an emergency."

Referred to Committee on Finance.

By Senator Van Zandt:

S. B. No. 189, A bill to be entitled "An Act to amend Article 4225 of the Revised Civil Statutes of Texas, 1925, so as to provide for annual accounts and the matter to be shown therein and that guardians shall show in such annual accounts the source and nature of receipts and disbursements, showing principal and income separately, and include in their accounts by reference to former accounts or otherwise an accurate and detailed description of all property, real and personal, on hand belonging to the ward and the condition and use being made thereof, and to require the exhibition of all securities owned by the ward to the Court or to a person designated by the Court, or the furnishing with their accounts of certain other proof that such assets, together with the cash due the ward, are on hand, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

#### Reports of Standing Committees

The following reports were submitted by the chairmen of the several standing committees to which the bills named in the reports were referred:

Austin, Texas,  
February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 43, same being a local road law for Potter County,

Have had same under consideration, and beg leave to recommend that said bill do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,  
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 150, A bill to be entitled "An Act making an emergency ap-

propriation out of any money in the State Treasury not otherwise appropriated for the operation, support, and maintenance, including salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven (7) buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor; for miscellaneous equipment and ground and other improvements for said Hospital; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that the Committee Amendment to Senate Bill No. 35 be substituted for H. B. 150 and do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,  
February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 432, A bill to be entitled "An Act to amend Section 1 of Article 952 of the Penal Code of Texas, by adding thereto Wilson County; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

#### Message from the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,  
February 14, 1939.

To the Members of the Forty-sixth Legislature:

I am vetoing and disapproving Senate Bill No. 84, which is an Act to create a more efficient road law for Randall County, Texas, validating an order heretofore passed by the Commissioners' Court of Randall County authorizing the issuance of certain Road and Bridge Fund Bonds, the indebtedness refunded

thereby, declaring said bonds when issued, approved by the Attorney General and registered by the Comptroller as the binding obligation of said County, excepting from the validating provisions of this Act any indebtedness in litigation.

Senator C. C. Small is the author of this bill and since its passage he has determined that it is not a good bill and has made the request to me that it be vetoed. Inasmuch as it is a special bill applying to only one county and since he represents this county, I am following his recommendation and disapproving the bill.

This Senate Bill No. 84 having reached my desk more than ten days before the end of the Session of the Legislature in which it was passed, pursuant to the Constitution, I am filing a Proclamation attached to the bill with the Secretary of State.

W. LEE O'DANIEL,  
Governor of Texas.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 15, Calling attention of the Department of State of the United States to the seriousness of the situation resulting from Mexican expropriation of American property and suggesting action in regard thereto.

H. C. R. No. 35, Memorializing Congress to enact laws and amendments to present laws that will permit the Federal Government to sell small tracts of land in this area to actual bona fide applicants, and to assist said such purchasers in the building and construction of homes on said lands, etc.

Respectfully submitted,  
E. R. LINDLEY, Chief Clerk,  
House of Representatives.

#### Senate Bill 109 on Passage to Engrossment

(Unfinished Business)

The President laid before the Senate, as unfinished business, on its passage to engrossment (the bill having been read second time on last Thursday, February 9, 1939):

S. B. No. 109, A bill to be entitled "An Act declaring all motor vehicle registration or license plates to be the property of the State Highway Commission of Texas until duly or lawfully purchased for use upon a motor vehicle owned by the purchaser thereof; declaring it unlawful for any tax assessor-collector, tax collector or other officer to sell, transfer, convey or otherwise deliver any registration or license plate for any consideration other than the full value thereof paid in lawful money, except in certain cases; declaring that any violation of the provisions of this Act shall constitute a misdemeanor and prescribing a punishment upon conviction; declaring the terms of this Act to be severable; repealing all laws in conflict herewith; and declaring an emergency."

With an amendment by Senator Van Zandt to the caption of the bill pending.

Senator Van Zandt offered the following amendment to the bill as amended:

Amend amendment to Senate Bill 109, Section 2, by inserting between the words "that" and "corporations" in line 6, page 3, the following:

"any person, firm, or"  
and by adding after the word "Texas" in said Section the following:

"or any receiver or trustee of such person, firm or corporation appointed by court of competent jurisdiction"

The amendment was adopted.

Senator Martin offered the following amendment to the bill as amended:

Amend S. B. No. 109 by striking out of Sec. 2c all the language of Sec. 2c, beginning with the words "venue for the prosecution" and renumber succeeding sections accordingly.

The amendment was adopted.

Question recurring on the pending amendment to the caption of the bill, it was adopted.

The bill as amended then was passed to engrossment.

#### Senate Bill 109 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 109 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Small
Graves	Spears
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

#### Absent

Head Shivers

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—27

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

#### Nays—3

Burns Spears  
Martin

#### Absent

Hardin

#### House Bill 150 on Second Reading

On motion of Senator Nelson, and by unanimous consent, Senate rules 31a and 48 were suspended to permit consideration of H. B. No. 150 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, include salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor, for miscellaneous equipment and ground and other improvements for said Hospital; and declaring an emergency."

The bill was read second time.

Senator Nelson offered the following (committee) amendment to the bill:

Amend the bill by striking out all before and after the enacting clause and inserting in lieu thereof the following:

#### (1)

A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, including salaries of the officers and employees of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor; for miscellaneous equipment and ground and other

improvements for said Hospital; and declaring an emergency."

(2)

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the operation, support and maintenance, including salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor; and for miscellaneous equipment and ground and other improvements in completing said Hospital:

Section 1.

Salaries to September 1, 1939 .....\$ 24,861.34

Compensation shall in no instance exceed that paid for similar services at the other State Hospitals for the insane.

Support, maintenance and individual treatment fund, dishes, cutlery, small hardware and other initial supplies ..... 44,893.60

Pickup truck ..... 750.00

Pumps, tank, pipe and fittings to complete heating plant ..... 800.00

Furniture and general equipment for seven buildings; including mattresses, pillows, linens, blankets, other furnishings and office machines.. 49,309.00

X-Ray, Sterilizer, Prescription room, Surgery and Laboratory equipment installed ..... 8,434.50

Refrigeration equipment installed ..... 6,000.00

Large equipment for three kitchens; sewing machines, electric lamps and radios ..... 7,668.00

Miscellaneous and small equipment for storeroom, powerhouse and other buildings and grounds, including shelving and tools ..... 5,000.00

Laundry, equipment and concrete tunnel with utility connections .....	33,700.00
Sidewalks .....	1,000.00
Street lights, installed .....	1,000.00
Mattress factory and equipment .....	7,000.00
Hog sheds, Pens and Hogs .....	800.00

TOTAL — Big Spring State Hospital .....\$191,216.44

Provided that transfers or adjustments may be made by the Board of Control as between non-salary items.

Sec. 2. The fact that the newly established Big Spring State Hospital, Big Spring, Texas, being completed this month, heretofore received no appropriation for its operation, support and maintenance and an insufficient amount for completion of several small utility buildings and for equipping said Hospital, and the further fact that said Hospital should be opened immediately to permit removal of insane patients from jails and lessen the overcrowded conditions in other State mental hospitals, create an emergency and an imperative public necessity demanding that the Constitutional Rule which requires all bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and said Act shall be in force and take effect from and after its passage, and it is so enacted.

The amendment was adopted.

The bill was passed to third reading.

House Bill 150 on Third Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 150 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hardin
Beck	Head
Brownlee	Hill
Burns	Isbell
Collie	Kelley
Cotten	Lanning
Graves	Lemens

Martin	Spears
Metcalf	Stone
Moffett	of Galveston
Moore	Stone
Nelson	of Washington
Pace	Sulak
Redditt	Van Zandt
Roberts	Weinert
Shivers	Winfield
Small	

The President laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

#### Senate Bill 34 on Second Reading

Senator Redditt moved that the rule relative to the consideration of general bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 34 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 34, A bill to be entitled "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than ten nor more than five hundred dollars, to confinement in the penitentiary for not less than one nor more than five years, and declaring an emergency."

The bill was read second time.

On motion of Senator Redditt and by unanimous consent, the bill was tabled subject to call.

#### Senate Bill 161 on Second Reading

Senator Winfield moved that the rule relative to the consideration of general bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 161 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 161, A bill to be entitled "An Act exempting certain independent school districts created under Chapter 5, Acts 1930, Forty-first Legislature, Fifth Called Session, from the provisions of Article 2767 of the Revised Civil Statutes, and declaring an emergency."

The bill was read second time.

Senator Winfield offered the following amendment to the bill:

Amend Senate Bill No. 161, in Section 2, Line 3, by striking out "Article 2763" and substituting in lieu thereof "Article 2767" because of a typographical error.

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 161 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 161 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Beck	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	

Stone	Van Zandt
of Washington	Weinert
Sulak	Winfield

#### Senate Bill 39 on Second Reading

Senator Spears moved that the rule relative to the consideration of general bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 39 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 39, A bill to be entitled "An Act to amend an Act of the Legislature passed in 1905, entitled 'Owners May Weigh, Etc.' Pertaining to Public Weighers and other Acts of the Legislature pertaining to the office of Public Weigher, and other persons engaged in weighing for the public, and repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Spears offered the following (committee) amendment to the bill:

Amend the bill by striking out all before and after the enacting clause and inserting in lieu thereof the following:

A bill to be entitled "An Act amending Chapter 6, Title 93, Revised Civil Statutes of 1925, by adding thereto a new section to be known as Section 5704-A, providing for the

election of Public Weighers in counties having a population of not less than 290,000 and not more than 320,000 inhabitants according to the last preceding or any future Federal Census; providing for deputies for such Public Weighers; providing for the bonds of such deputies; repealing laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

Section 1. Chapter 6, Title 93, Revised Civil Statutes of 1925 is hereby amended by adding thereto a new section to be known as Section 5704-A and reading as follows:

"Article 5704-A. In places, precincts, districts, or counties where a Public Weigher is elected by the people in any last election held for that purpose, no Public Weigher shall be appointed to perform the same or similar services, and the authority now vested in the Governor, the Commissioner of Agriculture and the Commissioners' Courts to so appoint or authorize other persons to perform the same duties, or similar duties as elected Public Weighers, is hereby repealed only to the extent of its conflict with this Act. The elected Public Weigher in such places, precincts, districts, or counties shall have authority to appoint a sufficient number of deputies to conveniently serve the public need; and such deputy, before taking the oath of office, shall be required to give a bond approved by the Commissioners' Court of the county where appointed to serve as a deputy, in the sum of One Thousand Dollars (\$1,000.00) conditioned as provided in the bond required to be given by the elected Public Weigher as to liability. The provisions of this Act shall apply only to counties having a population of not less than 290,000 and not more than 320,000 inhabitants according to the last preceding or any future Federal Census.

Sec. 2. The crowded condition of the calendar creates an emergency and imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each House be suspended and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 39 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 39 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote.

#### Yeas—31.

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

#### Senate Bill 156 on Second Reading

Senator Redditt moved that the rule relative to the consideration of general bills during the first 60 days of the Regular Session of the Legis-



lature be suspended and that S. B. No. 156 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 156, A bill to be entitled "An Act providing that the Clerk of the Supreme Court shall receive certain fees for services not otherwise provided by law, allowing the Supreme Court to fix such fees, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 156 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 156 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Lanning
Beck	Lemens
Brownlee	Martin
Burns	Metcalf
Collie	Moffett
Cotten	Moore
Graves	Nelson
Hardin	Pace
Head	Redditt
Hill	Roberts
Isbell	Shivers
Kelley	Small

Spears	Sulak
Stone	Van Zandt
of Galveston	Weinert
Stone	Winfield
of Washington	

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

#### Senate Bill 159 on Second Reading

Senator Spears moved that the rule relative to the consideration of general bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 159 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 159, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by any water improvement district in this State for the improvement, repair or rehabilitation of its irrigation system, or parts thereof; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the results of such election, and declaring an emergency."

The bill was read second time.

Senator Spears offered the following amendment to the bill:

Amend the bill by striking out all before and after the enacting clause and inserting in lieu thereof the following:

A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by water improvement districts in this State for the improvement, repair, or rehabilitation of its irrigation system, or parts thereof; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the results of such election, and declaring an emergency."

Section 1. That wherever the Board of Directors of any water improvement district in this State, lying wholly or in part in any county having a population, as shown by the United States' census of 1930, of not less than 290,000, nor more than 320,000, has ordered an election for the issuance of bonds pursuant to Section 52 of Article 3 of the State Constitution, and Title 128, Chapter 2 of the Revised Civil Statutes of Texas of 1925, and all amendments thereto, for the purpose of repairing, improving, or rehabilitating its irrigation system and a two-thirds majority of the qualified property tax paying voters of such district, whose properties have been rendered for taxation, voting at such election, have authorized the issuance of said bonds and the levy of ad valorem taxes in payment thereof, and the Board of Directors of such water improvement district has canvassed the returns of the election held for such purpose, and by order or resolution duly passed and entered of record, has found and declared that such bonds

were authorized by a two-thirds majority of the voters aforesaid, voting at such election, and thereupon, by proper order or resolution, has authorized the issuance of bonds for the repair, improvement, or rehabilitation of its irrigation system, or any part thereof, and has levied an ad valorem tax to pay the principal and interest thereof at maturity, and has prescribed the date, maturity, rate of interest such bonds are to bear, the place of payment of principal and interest, each such election, and all acts and proceedings had and taken in connection therewith, by such Board of Directors of such water improvement district, the levy of taxes and the provision made for the payment of the interest, reserve, and sinking fund for the payment of the principal of such bonds, are hereby legalized and validated; and all such bonds so authorized, are hereby validated and constituted the legal obligations of such water improvement districts, and all bonds, so authorized, when delivered and paid for at a price of not less than ninety per cent of their face value, shall constitute the valid and binding obligations of such water improvement districts, according to their terms, and no further proceedings for validation, by court proceedings or otherwise, shall be required or necessary in connection with such bonds, or any of them, and all acts of such Boards of Directors, in respect to the issuance of such bonds, are hereby legalized and validated, and such Boards of Directors of such water improvement districts, are hereby expressly authorized and directed to provide for the payment of the interest and the principal of any such bonds by the levy of taxes and appropriations of revenues in the time and manner prescribed by statute; provided, however, this Act shall not affect any bonds, the validity of which is being questioned in any litigation pending at the time this Act becomes effective.

Sec. 2. The public importance of the purposes herein contemplated, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read upon three several days in each House, and the said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 159 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 159 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

#### Senate Bill 118 Recommitted

Senator Weinert moved that S. B. No. 118 be recommitted to the Committee on State Affairs.

Yeas and nays were demanded, and the motion to recommit prevailed by the following vote:

#### Yeas—20

Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lemens	of Washington
Moffett	Weinert
Moore	Winfield

#### Nays—9

Aikin	Metcalfe
Beck	Spears
Cotten	Sulak
Hill	Van Zandt
Lanning	

#### Present—Not Voting

Nelson

#### Absent

Martin

(President Pro Tempore Moore in the Chair.)

#### House Bill 386 on Second Reading

On motion of Senator Beck and by unanimous consent, Senate rule 31a was suspended, to permit consideration of S. B. No. 386 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 386, A bill to be entitled "An Act providing a closed season for taking game fish on Caddo Lake; making certain exceptions; providing a suitable penalty for violation of any provision of this Act; repealing all conflicting laws; and declaring an emergency."

The bill was read second time.

Senator Beck offered the following (committee) amendments to the bill.

#### (1)

Amend H. B. No. 386 by adding after the words "Caddo Lake," wherever same occur, the following: "and all fresh waters of Harrison and Marion Counties."

(2)

Amend H. B. No. 386 by striking out all above the enacting clause and inserting in lieu thereof the following:

"providing a closed season for taking game fish on Caddo Lake and all fresh waters of Harrison and Marion Counties; making certain exceptions; providing a suitable penalty for the violation of any provision of this Act; repealing all conflicting laws; and declaring an emergency."

The amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 386 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 386 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell
Cotten	Kelley

Lanning	Small
Lemens	Spears
Martin	Stone
Metcalf	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	

#### Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Lemens:

S. B. No. 190, A bill to be entitled "An Act providing for preference of employment in all State departments of this State of honorably discharged soldiers, sailors, nurses and marines of the Army and Navy of the United States in the late Spanish-American and Philippine Insurrection Wars, in the China Relief Expedition, and the late World War of the Allied Nations; providing per cent of preference; providing mode and manner of ascertaining said per cent; providing qualifications for applicant; providing remedies in case of refusal to make such appointments; and providing exemptions from said Act; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Lemens (by request):

S. B. No. 191, A bill to be entitled "An Act amending Section 67 of Chapter 61, Acts of the Second Called Session of the Forty-first Legislature, relating to foreign building and loan associations doing business in this State; and declaring an emergency."

Referred to Committee on Banks and Banking.

#### Senate Bill 102 on Second Reading

Senator Redditt moved that the rule relative to the consideration of general bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 102 be considered by the Senate at this time.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 102, A bill to be entitled "An Act to conserve, preserve, and protect lands, products of lands, including timber and crops, and providing penalties, and declaring an emergency."

The bill was read second time.

On motion of Senator Redditt and by unanimous consent, the bill was tabled subject to call.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 36, House Concurrent Resolution authorizing the return of House Bill No. 296 which passed the House Friday, February 3, 1939, from the Senate for the purpose of a more thorough explanation and revision.

Respectfully submitted,  
E. R. LINDLEY, Chief Clerk,  
House of Representatives.

#### House Concurrent Resolutions

The following concurrent resolutions, received from the House today, were laid before the Senate, read

severally and referred to the committees indicated:

H. C. R. 15, Relating to expropriation of property of citizens of United States by the Republic of Mexico.

Referred to Committee on Federal Relations.

H. C. R. 35, Memorializing Congress to enact legislation to provide for sale of small tracts of land, etc.

Referred to Committee on Federal Relations.

#### Senate Bill 175 on Second Reading

Senator Spears moved that the rule relative to the consideration of general bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 175 be considered by the Senate at this time.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 175, A bill to be entitled "An Act authorizing independent school districts, and cities which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and con-

struct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city, but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary; providing that the governing body of any such school district or city may in its discretion and as additional security for such bonds, encumber and pledge other income and revenues accruing to the athletic fund; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized to be issued or executed after the expiration of one year from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

The bill was read second time.

Senator Spears offered the following amendment to the bill:

Amend Senate Bill 175 by striking out "1 year" in Section 5 wherever contained therein and substituting therefore "two years"; and amend the caption accordingly.

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 175 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be

read on three several days be suspended and that S. B. No. 175 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President Pro Tempore laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Nelson
Beck	Pace
Burns	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Martin	of Washington
Lemens	Sulak
Metcalfe	Van Zandt
Moffett	Weinert
Moore	Winfield

Nays—3

Brownlee	Cotten
Collie	

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.  
Austin, Texas, February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to House Bill No. 150 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Hankamer, London, Smith of Matagorda, Harris, Hardeman.

Respectfully submitted,  
E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution 36

The President laid before the Senate the following resolution received from the House today:

H. C. R. No. 36, Requesting return of H. B. No. 296 to the House.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

#### Conference Committee on House Bill 150

Senator Nelson moved that the request of the House for a free conference committee on H. B. No. 150 be granted.

The motion prevailed.

Accordingly, President Pro Tempore announced the appointment of the following conferees on the bill on the part of the Senate:

Senators Roberts, Nelson, Lanning, Metcalfe and Spears.

#### Advance Printing of Senate Bill 186

On motion of Senator Sulak, and by unanimous consent, it was ordered that S. B. No. 186 be printed in advance of its consideration in committee.

#### Reports of Standing Committees

Senator Hardin, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,  
February 1, 1937.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 379, A bill to be entitled "An Act amending Section 1 of House Bill 1002 Chapter 363 of the Forty-fifth Legislature, Regular Session 1937, relating to compensation of County Commissioners in certain Counties, repealing all laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDIN, Chairman.

Senator Head, by unanimous consent, submitted at this time the following reports of the Committee on Highways and Motor Traffic:

Austin, Texas,  
February 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 128, A bill to be entitled "An Act to repeal the Bosque County Special Road Law, being Chapter 33, page 101, Special Laws of the Regular Session of the Thirty-third Legislature, and the amendments to said laws passed by Chapter 17, page 328, of the Local and Special Laws of the First Called Session of the Thirty-fifth Legislature, and declaring an emergency,"

Have had the same under consideration, and wish to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,  
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 212, A bill to be entitled "An Act creating a Special Road Law for Hamilton County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of the 1st day of January, 1939, setting forth the method of operation; validating the indebtedness pro-

posed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County and the officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and wish to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

#### Adjournment

Senator Roberts moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:00 o'clock m., adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX

##### Reports of Committee on Engrossed Bills

Austin, Texas,  
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 96 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 134 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 97 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 178 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 107 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.



## In Memory of Pope Pius XI

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(Senate Resolution 22)

Senator Sulak, by unanimous consent, offered the following resolution:

Whereas, On Friday of last week there passed from the active panorama of the world a great and good man, His Holiness, Pope Pius XI, Supreme Head of the Roman Catholic Church and the spiritual leader of four hundred million followers of the faith of their fathers throughout all climes, nations, and countries of the earth, members of which were kings and peons alike; and

Whereas, Not only the millions who recognized him as their spiritual leader but also many millions more, Protestant and Jew alike, recognized and acclaimed him as a great stabilizing force, as an apostle of peace, as a friend of the oppressed, as a denouncer of tyranny, as a man of courage, as a soldier of faith, as one though surrounded by the forces of the dictators on every hand, yet constantly fought for the rights and privileges of the individual, believing that the state was created by man and is subservient to man; and

Whereas, Even in his eighty-first year, with his body wracked with the infirmities of age, yet with his mind ever alert to the problems of the hour confronting the individual, the Catholic Church, the Christian people of all creeds, and all those who loved democracy, freedom and liberty, he courageously fought against death; and

Whereas, His life as a churchman and as a man, as a diplomat and a scholar, as a spiritual leader heading the vast organization of which he was the Supreme Pontiff is worthy of our deepest respect and esteem; now, therefore, be it

Resolved by the Senate of the State of Texas, That it publicly and profoundly express its sincere regret upon the passing of this great man whose last breath formed the words "peace to the world"; and, be it further

Resolved, That the Secretary of the Senate be directed to send a copy of this resolution to His Eminence, Eugenio Cardinal Pacelli, Chamberlain of the Catholic Church of the Vatican City, to express to the Church and to its millions of members profound regret upon the death of Pope Pius XI; and, be it further

Resolved, That a copy of this resolution be spread upon the Journals of the day and that when the Senate adjourns today it do so in respect to memory of His Holiness, Pope Pius XI.

SULAK,  
BROWNLEE,  
SPEARS,  
KELLEY,  
STONE,  
of Galveston,  
STONE,  
of Washington.

The resolution was read and was adopted unanimously.

Pending consideration of the resolution, President Pro Tempore Moore occupied the Chair.